

REMARKS

Examiner Interview Summary

Initially, the Applicants would like to thank Examiner Davis for the courtesy extended to Applicants' attorney and Mr. Brian Starling during the telephone interview held on May 18, 2009. During the course of the interview, potential claim amendments and the outstanding prior art rejections were discussed. The Examiner stated that the potential claim amendments, as presented herein, would overcome the prior art rejections.

Claim Status

Claims 1-14 were rejected by the Office Action. Claim 1 has been amended. Claims 2-8 and 10-14 are original. Claim 9 was previously presented. Claims 15-43 were previously withdrawn. Accordingly, Claims 1-43 are pending and Claims 1-14 are under examination.

Rejections Under 35 USC §§ 102(b) and 103(a)

In the Office Action dated January 22, 2009, The Examiner rejected Claims 1-3 and 6 under 35 U.S.C. § 102(b) as being anticipated by Radin. The Examiner also rejected Claims 1-6 under 35 USC § 103(a) as being unpatentable over Radin in view of Lemons and Claims 1-3 and 7-14 under 35 USC § 103(a) as being unpatentable over Radin in view of Gerhart.

Applicants have now submitted the claim amendments that the Examiner indicated during the above-mentioned interview would overcome the outstanding rejections. Specifically, Claim 1 has been amended to change "bone mixture" to "cancellous bone and/or de-mineralized bone matrix (DMB)". Accordingly, reconsideration and withdrawal of the rejections as anticipated or obvious in view of the cited references are respectfully requested.

In view of the foregoing amendments, Applicants submit that the current claims are allowable and favorable consideration of the same is hereby requested.

Respectfully submitted,

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